WP(C) 1862/2007
BEFORE
HON'BLE JUSTICE B.K. SHARMA

Heard Mr. Dasgupta, learned counsel for the petitioner as well as Mr. A .K. Goswami, learned Sr. counsel and S.C., KAAC assisted by Mr. S. Banik, learne d counsel. Also heard Ms. R. Chokraborty, learned State counsel.

This writ petition has been filed praying for a direction to allow the p etitioner to discharge his duties as Assistant Engineer in the office of the Dir ector of Handloom and Textile, Assam, Guwahati pursuant to the transfer notific ation dated 03.04.07. After the transfer order dated 03.04.07, the petitioner ha s been released by order dated 09.04.07. He has also handed over the charge at D iphu as will be evident from Annexure- E charge report dated 09.04.07. The petit ioner has submitted his joining report on 10.04.07 to the Director of Handloom a nd Textile, Assam enclosing therewith the release order, document relating to ha nding over charge dated 09.04.07 etc. However, by Annexure-H WT message dated 1 0.04.07, the Secretary, Handloom & Textile & Sericulture, Assam is directed the Joint Director, Handloom and Textile (Hills), Assam Diphu to see that the petiti oner does not hand over the charge of his post at Diphu until further order. How ever, from the materials on record, it is seen that before issuance of the WT me ssage dated 10.04.07, the petitioner was released from Diphu and he has also han ded over the charge.

Mr. A.K. Goswami, learned Sr. Counsel and S.C., KAAC has drawn my atten tion to the order passed by this Court on 11.04.07 in W.P.(C) No. 1710/07 filed by the respondent No. 6. The writ petition was filed by the respondent No. 6 ma king a grievance against his transfer to Diphu and posting of the petitioner in his place. The said writ petition has been disposed of providing consideration o f the case of the petitioner as well as the respondent No. 6 by the authority. T hus, the said authority will have to hear the present petitioner as well as the respondent No. 6 while disposing the representation. While passing the order dat ed 11.04.07 in the writ petition filed by the respondent No. 6, the fact of rele ase of the petitioner from Diphu and his handing over charge at Diphu was not kn own to this Court. The respondents authority shall take in to account that aspec t of the matter.

Writ petition stands disposed of in terms of the earlier order dated 11. 04.07 passed in W.P.(C) No. 1710/07. The authority shall decide the matter on or before 30.04.07 in accordance with law taking into consideration all relevant facts. The petitioner may obtain the certified copy of this order and produce th e same before the said authority for their necessary follow up action.

Writ petition stands disposed of.